



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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March 15, 2004

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Agenda No. 117-C
12/16/03

TO: SUPERVISOR DON KNABE, Chairman
SUPERVISOR GLORIA MOLINA
SUPERVISOR YVONNE BRATHWAITE BURKE
SUPERVISOR ZEV YAROSLAVSKY
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN
County Counsel 

RE: **Conditional Use Permit Requirement for Shared Water Wells**

On December 16, 2003, your Board requested that we assist the Department of Regional Planning ("Department") in investigating the County's current conditional use permit ("CUP") requirement for shared water wells and the possibility of creating a more streamlined land use permitting process.

As directed, we worked with the Department and jointly determined that the shared water well land use permitting process can be streamlined by utilizing the Department's director's review procedure, provided the County Zoning Ordinance is amended to replace the currently established CUP requirements.

The Department, with input from our office, provided your Board with a memorandum dated February 18, 2003, which discusses the shared water well issue in detail.

On March 9, 2004, your Board instructed the Department to develop and implement the ordinance amendments necessary to replace the current CUP requirements with the director's review procedure. We are currently assisting the Department in the preparation of those ordinance amendments.

If you have questions concerning this matter, please contact me, Acting Assistant County Counsel Richard D. Weiss at (213) 974-1921, or Senior Deputy County Counsel Peter J. Gutierrez at (213) 974-1857.

LWP:PJG:am

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

James E. Hartl, Director
Department of Regional Planning

REQUEST FOR COUNTY COUNSEL ACTION

December 16, 2003

TO: RAYMOND G. FORTNER, JR.
Chief Deputy

FROM: ELIZABETH M. CORTEZ
Principal Deputy County Counsel

AGENDA DATE: December 16, 2003

SUBJECT: Shared Water Wells

REQUESTED BY: Supervisor Antonovich

TIME FRAME FOR RESPONSE: 30 days

ATTACHMENTS: See Motion

ACTION REQUESTED: Assist Regional Planning to determine
CUP requirements for shared water wells.

EMC:mv

Attachment

c: Mr. Krattli (w/attach.)
Mr. Weiss (w/attach.)
Agenda Team (w/o attach.)

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH DECEMBER 16, 2003

In many rural areas of Los Angeles County, such as Agua Dulce, Acton, and the Antelope Valley, residents rely upon water wells for potable water in their households. Given the cost and permitting requirements for new water wells, property-owners often combine their resources and share one well for as many as four properties. The County's Zoning Ordinance requires that a conditional use permit, or "CUP," be obtained in advance of constructing a shared well.

Securing a CUP is costly and time-consuming, particularly for those individuals who are not familiar with the entitlement approval process. Residents feel that is unfair to expend thousands of dollars in permitting fees and endure a lengthy approval process, particularly since these costs are above and beyond what is already required to drill for the water well itself.

Land uses that require a CUP are typically those which have some direct or indirect environmental impact upon surrounding property-owners, such as night-clubs and establishments that sell or serve alcohol. With respect to a proposed water well, there does not appear to be any significant impacts with respect to noise, aesthetics, viewsheds, or other related issues. So long as the appropriate Health Department permit is obtained, and necessary easements are recorded, there is relatively little or no impact upon surrounding property-owners.

I, THEREFORE, MOVE that the Department of Regional Planning, with assistance from the County Counsel, investigate the issues associated with requiring a conditional use permit for shared water wells, determine whether the County should modify, scale back, or eliminate the CUP requirement, and report back to the Board of Supervisors within thirty days.

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MDA:pno
sharedwellcup

MOTION

MOLINA

BURKE

YAROSLAVSKY

ANTONOVICH

KNABE
